

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

CRIMINAL NO. 3:97CR288

UNITED STATES OF AMERICA)

)

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vs.)

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SHAHBORN EMMANUEL)

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ORDER

THIS MATTER is before the Court on Defendant's motion for copies of grand jury proceedings in order that he "may challenge the indictment."

The Defendant's conviction and sentence have been affirmed by the Fourth Circuit Court of Appeals. Further, the Defendant has exhausted his post-conviction remedies and the Circuit has upheld all of this Court's rulings including a previous challenge to the sufficiency of the indictment. Therefore, are no current proceedings before the Court that require these documents.

Federal inmates are not entitled to documents and materials at Government expense for collateral attacks on their convictions absent some showing of a particularized need. ***United States v. MacCollom*, 426**

U.S. 317, 326-27 (1976); *Miller v. Smith*, 99 F.3d 120, 125 n.5 (4th Cir. 1996); *United States v. Davis*, 972 F.2d 342 (table), 1992 WL 180109 (4th Cir. 1992). "An indigent is not entitled to [documents] at government expense without a showing of need, merely to comb the record in the hope of discovering some flaw." *Jones v. Virginia State Farm*, 460 F.2d 150, 152 (4th Cir. 1972). Moreover, the Government "may constitutionally decline to furnish an indigent with a transcript until a need for it is shown[.]" *Id.*

IT IS, THEREFORE, ORDERED that the Defendant's request for copies of the grand jury minutes is hereby **DENIED**.

Signed: May 9, 2006



Lacy H. Thornburg
United States District Judge

